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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/916,102   | 07/26/2001  | Munish T. Desai      | JW-EMC-010          | 8429             |
| 7590   | 10/07/2004  |                      | EXAMINER            |                  |
| Robert L. Dulaney<br>EMC Corporation<br>35 Parkwood Drive<br>Hopkinton, MA 01748 |             |                      | MITCHELL, JASON D   |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2124                |                  |

DATE MAILED: 10/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |
|------------------------------|------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                              | 09/916,102             | DESAI ET AL.        |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |
|                              | Jason Mitchell         | 2124                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 July 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-74 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-74 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

1. This action is in response to an application filed on 07/26/2001.
2. Claims 1-74 are pending in this case.

### *Specification*

3. The disclosure is objected to because of the following informalities: On page 25, lines 16-17 'toolbar 403' is referenced twice. Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

4. **Claim 55** recites the limitation "said plurality of user actions selected by said user" in lines 18 and 19. There is insufficient antecedent basis for this limitation in the claim.
5. **Claim 70** recites the limitations "said user", "said file", "said menus to be displayed on said user interface", "the group consisting of popup menu and main menu", "the group consisting of normal visual state and grayed-out visual state" and "said which actions" in lines 1, 3, 5, 7-8 and 11-12 of the second page respectively. There is insufficient antecedent basis for these limitations in the claim.
6. **Claim 71** recites the limitations "said user", "said menus displayed as a menu" and "the group consisting of popup menu and main menu" in line 21 of the first page and lines 7 and 7-8 of the second page respectively. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**7. Claims 2, 5-8, 10 and 70-71 are rejected under 35 U.S.C. 102(b) as being anticipated by US 6,067,087 to Krauss et al. (Krauss).**

**Regarding Claim 2:** Krauss discloses a computer system having a graphical user interface, a plug and play interface for user actions, said plug and play interface comprising: means for establishing a file containing information about said user actions (col. 10, line 64-col. 11, line 2 'menu data files'); means for reading said file to determine certain of said user actions to be implemented (col. 12, lines 13-18 'retrieving the menu data'); and, means for permitting said user to execute a portion of said certain of said user actions through operation of said graphical user interface (col. 8 line 65-col. 9, line 1 'When the user selects such a menu item ... issued the corresponding command').

Further, Krauss discloses the computer system is included within a client-server network (Col. 5, lines 29-30 'may operate in a networked environment').

**Regarding Claim 5:** Krauss discloses a computer system having a graphical user interface, a plug and play interface for user actions, said plug and play interface comprising: means for establishing a file containing information about said user actions (col. 10, line 64-col. 11, line 2 'menu data files'); means for reading said file to determine certain of said user actions to be implemented (col. 12, lines 13-18 'retrieving the menu data'); and, means for permitting said user to execute a portion of said certain of said user actions through operation of said graphical user interface (col. 8 line 65-col. 9, line 1 'When the user selects such a menu item ... issued the corresponding command').

Further, Krauss discloses the menu information includes every possible one of said user actions (col. 9, line 66-col. 10, line 1 'all of the commands and attributes').

**Regarding Claim 6:** The rejection of claim 5 is incorporated; further Krauss discloses establishing a plurality of files containing a like plurality of subsets of said information respectively (col. 10, line 64-col. 11, line 2 'menu components can be stored ... separately in independent menu data files'), where totality of said subsets of said information encompasses said every possible one of said user actions (col. 9, line 66-col. 10, line 1).

**Regarding Claims 7:** Krauss discloses a computer system having a graphical user interface, a plug and play interface for user actions, said plug and play interface comprising: means for establishing a file containing information about said user actions (col. 10, line 64-col. 11, line 2 'menu data files'); means for reading said file to determine certain of said user actions to be implemented (col. 12, lines 13-18 'retrieving the menu data'); and, means for permitting said user to execute a portion of said certain of said user actions through operation of said graphical user interface (col. 8 line 65-col. 9, line 1 'When the user selects such a menu item ... issued the corresponding command').

Further, Krauss discloses censoring means to censor other than said certain of said user actions to be implemented (col. 9, lines 44-46 'The visible attribute determines whether the menu item is displayed').

**Regarding Claims 8:** Krauss discloses a computer system having a graphical user interface, a plug and play interface for user actions, said plug and play interface comprising: means for establishing a file containing information about said user actions

(col. 10, line 64-col. 11, line 2 'menu data files'); means for reading said file to determine certain of said user actions to be implemented (col. 12, lines 13-18 'retrieving the menu data'); and, means for permitting said user to execute a portion of said certain of said user actions through operation of said graphical user interface (col. 8 line 65-col. 9, line 1 'When the user selects such a menu item ... issued the corresponding command'). Further, Krauss discloses storing certain of said user actions to be implemented in at least one table (col. 10, lines 34-36 'The Command Bar is a data structure for organizing commands').

**Regarding Claims 10:** Krauss discloses a computer system having a graphical user interface, a plug and play interface for user actions, said plug and play interface comprising: means for establishing a file containing information about said user actions (col. 10, line 64-col. 11, line 2 'menu data files'); means for reading said file to determine certain of said user actions to be implemented (col. 12, lines 13-18 'retrieving the menu data'); and, means for permitting said user to execute a portion of said certain of said user actions through operation of said graphical user interface (col. 8 line 65-col. 9, line 1 'When the user selects such a menu item ... issued the corresponding command'). Further, Krauss discloses graying-out other than said portion of said certain of said user actions (col. 9, lines 25-27 'the menu item has a dimmed appearance').

**Regarding Claims 70 and 71:** Krauss discloses a client server network (col. 5, lines 29-30 'networked environment'), said client having a user interface (col. 8, line 43 'GUI') and a memory (col. 4, lines 53-54 'a system memory') including a table for storing at least menu items of said user interface (col. 10, lines 16-17 'The placeholder menu

provides a basic data structure for each menu'), a method for determining which actions of said user shall be displayed on, and communicated to said network through, said user interface, said method comprising: reading a file and storing menus and menu-items of said file in said table (col. 10, line 64-col. 11, line 2 'menu data files'); said user selecting one of said menus to obtain a user-selected menu (col. 15, lines 8-9 'user has demanded an unbuilt menu'); detecting one of said menus to be displayed on said user interface corresponding to said user selected menu (col. 15, lines 11-12 'the selected placeholder menu') for said one of said menus displayed, consulting said table to get a selected menu corresponding to said user-selected menu (col. 15, lines 11-12 'the selected placeholder menu'), for each menu-item in said selected menu calling isAvailable and thereby showing said each menu-item in a visual state (col. 15, lines 16-20 'menu item attributes are assigned') selected from the group consisting of normal visual state and grayed-out visual state (col. 9, line 19 'another common attribute is the enabled attribute'), if said normal visual state, calling actionPerformed to perform said action (col. 15, lines 11-15 'assigns the commands'), if said grayed-out visual state, bypassing said calling action performed; and, repeating (col. 15, lines 17-18 'each place holder menu position').

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**9. Claims 3-4 and 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,067,087 to Krauss et al. (Krauss) in view of XML Functionally, J. Pokorny (Pokorny).**

**Regarding Claim 3:** Krauss discloses a computer system having a graphical user interface, a plug and play interface for user actions, said plug and play interface comprising: means for establishing a file containing information about said user actions (col. 10, line 64-col. 11, line 2 'menu data files'); means for reading said file to determine certain of said user actions to be implemented (col. 12, lines 13-18 'retrieving the menu data'); and, means for permitting said user to execute a portion of said certain of said user actions through operation of said graphical user interface (col. 8 line 65-col. 9, line 1 'When the user selects such a menu item ... issued the corresponding command').

Further, Krauss does not disclose the menu file is a text file. But does disclose the need for 'organizational indicia' (col. 11, lines 2-5) in the files.

Pokorny teaches 'XML as a new standard for data representation' (pg. 266, col. 1, par 2, lines 4-5) in an analogous art for the purpose of examining the database possibilities of XML (pg. 266, col. 1, par. 1, lines 4-5).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use XML files as taught in Pokorny as the file format for the menu data files disclosed in Krauss because one of ordinary skill in the art would have been motivated to use the data modeling abilities of XML (Pokorny col. 2, par. 2, lines 1-2 'it is possible

to view XML as the language for data modeling') to provide the organizational indicia disclosed in Krauss (col. 11, lines 2-5).

**Regarding Claim 4 and 12:** The rejections of claims 3 and 4 are incorporated, respectively; further, Krauss does not disclose that the language used in the menu data file is XML. But does disclose the need for 'organizational indicia' (col. 11, lines 2-5) in the files.

Pokorny teaches 'XML as a new standard for data representation' (pg. 266, col. 1, par 2, lines 4-5) in an analogous art for the purpose of examining the database possibilities of XML (pg. 266, col. 1, par. 1, lines 4-5).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use XML files as taught in Pokorny as the file format for the menu data files disclosed in Krauss because one of ordinary skill in the art would have been motivated to use the data modeling abilities of XML (Pokorny col. 2, par. 2, lines 1-2 'it is possible to view XML as the language for data modeling') to provide the organizational indicia disclosed in Krauss (col. 11, lines 2-5).

**Regarding Claim 11:** The rejection of claim 2 is incorporated; further, Krauss does not disclose the menu file is a text file. But does disclose the need for 'organizational indicia' (col. 11, lines 2-5) in the files.

Pokorny teaches 'XML as a new standard for data representation' (pg. 266, col. 1, par 2, lines 4-5) in an analogous art for the purpose of examining the database possibilities of XML (pg. 266, col. 1, par. 1, lines 4-5).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use XML files as taught in Pokorny as the file format for the menu data files disclosed in Krauss because one of ordinary skill in the art would have been motivated to use the data modeling abilities of XML (Pokorny col. 2, par. 2, lines 1-2 'it is possible to view XML as the language for data modeling') to provide the organizational indicia disclosed in Krauss (col. 11, lines 2-5).

**Regarding Claim 13:** The rejection of claim 12 is incorporated; further, Krauss discloses the menu information includes every possible one of said user actions (col. 9, line 66-col. 10, line 1 'all of the commands and attributes').

**Regarding Claim 14:** The rejection of claim 13 is incorporated; further Krauss discloses establishing a plurality of files containing a like plurality of subsets of said information respectively (col. 10, line 64-col. 11, line 2 'menu components can be stored ... separately in independent menu data files'), where totality of said subsets of said information encompasses said every possible one of said user actions (col. 9, line 66-col. 10, line 1).

**Regarding Claim 15:** The rejection of claim 14 is incorporated; further, Krauss discloses censoring means to censor other than said certain of said user actions to be implemented (col. 9, lines 44-46 'The visible attribute determines whether the menu item is displayed').

**Regarding Claims 16:** The rejection of claim 15 is incorporated; further, Krauss discloses storing certain of said user actions to be implemented in at least one table (col. 10, lines 34-36 'The Command Bar is a data structure for organizing commands').

**10. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,067,087 to Krauss et al. (Krauss) in view of US 6,334,101 to Hetherington et al. (Hetherington).**

**Regarding Claims 9:** The rejection of claim 8 is incorporated; further, Krauss does not disclose that said user actions are formulated in Java language.

Hetherington teaches user actions formulated in Java language (col. 4, 'user interface functionality is readily achieved in ... Java'), in an analogous art for the purpose of providing multi-language support at runtime (col. 4, lines 33-35 'user-interface ... may be selected at run time').

It would have been obvious to a person of ordinary skill in the art at the time of the invention to implement the user actions ('commands') disclosed in Krauss in the Java language as taught by Hetherington, because one of ordinary skill in the art would have been motivated to utilize the dynamic linking of Java to build the menus disclosed in Krauss at run time (Hetherington col. 4, lines 33-35).

**Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,067,087 to Krauss et al. (Krauss) in view of XML Functionally, J. Pokorny (Pokorny) and further in view of US 6,334,101 to Hetherington et al. (Hetherington).**

**Regarding Claim 17:** The rejection of claim 16 is incorporated; further, Krauss does not disclose that said user actions are formulated in Java language.

Hetherington teaches user actions formulated in Java language (col. 4, 'user interface functionality is readily achieved in ... Java'), in an analogous art for the purpose of providing multi-language support at runtime (col. 4, lines 33-35 'user-interface ... may be selected at run time').

It would have been obvious to a person of ordinary skill in the art at the time of the invention to implement the user actions ('commands') disclosed in Krauss in the Java language as taught by Hetherington, because one of ordinary skill in the art would have been motivated to utilize the dynamic linking of Java to build the menus disclosed in Krauss at run time (Hetherington col. 4, lines 33-35).

**Regarding Claims 18:** The rejection of claim 17 is incorporated, respectively; further, Krauss discloses graying-out other than said portion of said certain of said user actions (col. 9, lines 25-27 'the menu item has a dimmed appearance').

11. **Claims 60-61, 64-66 and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,067,087 to Krauss et al. (Krauss) in view of US 6,006,279 to Hayes (Hayes).**

**Regarding Claims 60 and 65:** Krauss discloses a computer system having memory and a user interface capable of operating with a plurality of user actions (col. 8 line 65-col. 9, line 1 'When the user selects such a menu item ... issued the corresponding command'), a system by which said user-interface is implemented comprising, means for establishing a text file in said memory (col. 10, line 64-col. 11, line 2 'menu data files') in which all possible said plurality of user actions are contained (col. 9, line 66-col.

10, line 1 'all of the commands and attributes'), means for establishing a table in said memory (col. 10, lines 34-36 'The Command Bar is a data structure for organizing commands'), means for establishing an application framework which reads said text file to store certain of said plurality of user actions in said table (col. 12, lines 46-47 'retrieve Command Bar data'). Krauss does not disclose the use of minimum application requirements to enable and disable menu items, but does disclose that menu items are enabled/disabled by program modules external to the application program (col. 9, lines 23-27 'An enabled attribute is set by ... some other program module')

Hayes teaches the use of minimum application requirement (col. 2, lines 7-10 'searches ... for plug-in modules'); means, for determining if any action related to the required application is available (col. 2, lines 12-14 'information regarding the found plug-in'), and, means, responsive to operation of said determining means, indicating that said action is available for executing (col. 2, lines 20-24 'a menu-enable routine') in an analogous art for the purpose of displaying menus and menu items based on the availability of an application or plug-in module (col. 2, lines 7-15 'The API includes a menu-create routine ... to display a plug-in menu of found plug-in modules').

It would have been obvious to a person of ordinary skill in the art at the time of the invention to include information indicating an application requirement in the menu data files disclosed in Krauss (col. 9, lines 56-59 'any number of attributes could be applied to menu items') and then verify said requirement using the techniques taught in Hayes (col. 2, lines 7-10 and col. 2, lines 12-14) and enable/disable the menu items accordingly (Hayes col. 2, lines 20-24 'a menu-enable routine').

The modification would have been obvious because one of ordinary skill in the art would have been motivated to provide the user access to installed plug-in modules (col. 1, lines 17-18 'plug-in modules provide ... new or extended services').

**Regarding Claims 61 and 66:** The rejections of claims 60 and 65 are incorporated respectively; further, Krauss discloses that said user interface is a graphical user interface (col. 8, lines 43-45)

**Regarding Claim 64 and 69:** The rejections of claims 61 and 69 are incorporated, respectively; further, Hayes teaches means, responsive to operation of said comparing means indicating that said minimum requirement is not met for a group of user actions excluded from said at least a subset, for inhibiting execution of any user actions included within said group (col. 2, lines 24-27 'a menu-disable routine').

**12. Claims 62 and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,067,087 to Krauss et al. (Krauss) in view of US 6,006,279 to Hayes (Hayes) and further in view of XML Functionally, J. Pokorny (Pokorny).**

**Regarding Claims 62 and 67:** The rejections of claims 62 and 66 are incorporated, respectively, further; Krauss does not disclose the menu file is a text file. But does disclose the need for 'organizational indicia' (col. 11, lines 2-5) in the files. Pokorny teaches 'XML as a new standard for data representation' (pg. 266, col. 1, par 2, lines 4-5) in an analogous art for the purpose of examining the database possibilities of XML (pg. 266, col. 1, par. 1, lines 4-5).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use XML files as taught in Pokorny as the file format for the menu data files disclosed in Krauss because one of ordinary skill in the art would have been motivated to use the data modeling abilities of XML (Pokorny col. 2, par. 2, lines 1-2 ‘it is possible to view XML as the language for data modeling’) to provide the organizational indicia disclosed in Krauss (col. 11, lines 2-5).

**13. Claims 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,067,087 to Krauss et al. (Krauss) in view of US 6,006,279 to Hayes (Hayes) and further in view of US 6,334,101 to Hetherington et al. (Hetherington).**

**Regarding Claim 63 and 68:** The rejections of claims 61 and 66 are incorporated further; Krauss does not disclose that said user actions are formulated in Java language.

Hetherington teaches user actions formulated in Java language (col. 4, ‘user interface functionality is readily achieved in ... Java’), in an analogous art for the purpose of providing multi-language support at runtime (col. 4, lines 33-35 ‘user-interface ... may be selected at run time’).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to implement the user actions (‘commands’) disclosed in Krauss in the Java language as taught by Hetherington, because one of ordinary skill in the art would have been motivated to utilize the dynamic linking of Java to build the menus at run time. (Hetherington col. 4, lines 33-35).

***Double Patenting***

14. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

15. **Claims 1, 6,19-59 and 72-74 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1, 3, 19-59 and 16-18, respectively, of copending Application No. 10/132,769. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.**

16. **Claims 2-5, 7-18 and 60-71 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2-4, 14, 37, 39-46 and 55-59, of copending Application No. 10/132,769. Although the conflicting claims are not identical, they are not patentably distinct from each other because application no. 10/132,769 is a continuation in part of the instant application and substantially only the dependency has changed.**

**This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.**

A later patent claim is not patentably distinct from an earlier patent claim if the later claim is obvious over, or **anticipated by**, the earlier claim. In re Longi, 759 F.2d at 896, 225 USPQ at 651 (affirming a holding of obviousness-type double patenting because the claims at issue were obvious over claims in four prior art patents); In re Berg, 140 F.3d at 1437, 46 USPQ2d at 1233 (Fed. Cir. 1998) (affirming a holding of obviousness-type double patenting where a patent application claim to a genus is anticipated by a patent claim to a species within that genus). " ELI LILLY AND COMPANY v BARR LABORATORIES, INC., United States Court of Appeals for the Federal Circuit, ON PETITION FOR REHEARING EN BANC (DECIDED: May 30, 2001).

**Claims 2-5** of the instant application are anticipated by both claims 2 and 28 of 10/132,769.

**Claims 7-10** of the instant application are anticipated by claim 4 of 10/132,769.

**Claims 11-18** of the instant application are anticipated by claims 39-46, respectively, of 10/132,769.

**Claims 60-64** of the instant application are anticipated by claims 55-59, respectively of 10/132,769.

**Claims 65-69** of the instant application are anticipated by claims 55-59, respectively of 10/132,769.

**Claims 70 and 71** of the instant application are both anticipated by claim 14 of 10/132,769.

### ***Conclusion***

Art Unit: 2124

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

18. **US 6,301,583** to Zellweger discloses an authoring system that builds and maintains menu data for an applet.

19. **US 6,628,305** to Hong et al. discloses an object-oriented GUI framework.

20. **US 2002/0,149,623** to West et al. discloses a method for generating menu/toolbar entities on a GUI.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Mitchell whose telephone number is (571) 272-3728. The examiner can normally be reached on 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571) 272-3719. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason Mitchell  
9/30/04

*Kakali Chaki*

**KAKALI CHAKI**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**